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September 27, 2009

In re Application of:  
Toru KAMBAYASHI, et al.  
Application No. 10/631,866  
Filed: August 1, 2003  
Attorney Docket No. 239067US2SRD DIV

**DECISION ON PETITION  
UNDER 37 CFR 1.181**

This is in response to the petition filed on March 31, 2008 under 37 CFR 1.181(a)(3) requesting the Commissioner to invoke his supervisory authority to require the Examiner to consider the prior art cited in the Information Disclosure Statement filed on August 1, 2003.

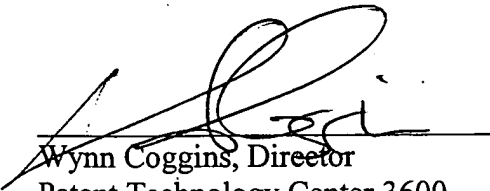
A review of the record reveals that Applicant filed an Information Disclosure Statement on August 1, 2003. The examiner initially never acknowledged or made of record the Information Disclosure Statement.

However since the filing of the petition, the examiner corrected the oversight and considered the Information Disclosure Statement on May 09, 2008.

Therefore, Applicant's requested relief has been given.

The petition is thus DISMISSED as being moot.

Telephone inquiries should be directed to Calvin Loyd Hewitt II, Supervisory Patent Examiner, at (571) 272-6709.

  
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sm/clh: 09/27/09

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